

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

Item #2 Adult Residential Facility Hospice Package

The CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held January 15, 2003 as follows:

January 15, 2003
State Office Building #9
744 P Street, Auditorium
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The CDSS will adjourn the hearings immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify CDSS at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by telefax to the address/number listed below. All comments must be received by 5:00 p.m. on January 15, 2003.

The CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice and the proposed regulations are also available online at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which CDSS considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT: Anthony J. Velasquez, Chief, Office of Regulations Development, California Department of Social Services, 744 P Street, MS 7-192, Sacramento, California 95814

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CHAPTERS

Community Care Licensing, Title 22, Division 6, Chapter 6 - Adult Residential Facilities, Article 1. - General Requirements and Definitions, Section 85001 (Definitions), Article 6. - Continuing Requirements, Section 85075.1 (Hospice Care), Section 85075.2 (Facility Hospice Care Waiver), Section 85075.3 (Advance Health Care Directives), and Section 85075.4 (Observation of the Client).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

These proposed Community Care Licensing Division (CCLD) regulations amend specific provisions in Chapter 6 of Title 22 of the California Code of Regulations governing Adult Residential Facilities (ARFs).

In 1999, the legislature amended Health and Safety Code Section 1507.3 to permit a residential facility that provides care to adults to obtain a waiver from the Department to allow a client who has been diagnosed as terminally ill by a physician or surgeon, to remain in the facility under certain conditions. This hospice regulation package will provide consistency between the ARF licensing category and the hospice regulations recently amended for Residential Care Facilities for the Elderly.

In addition to adopting Sections 85075.1 and 85075.2 concerning Hospice Care and Facility Hospice Care Waivers, these regulations also adopt Section 85075.3-Advance Health Care Directives. Section 85075.3 is adopted to specify that an Advance Health Care Directive is permissible, and to clarify applicable staff procedures.

The numbering format of Section 86001 et seq. is being revised to be consistent with Title 22 regulations.

COST ESTIMATE

1. Costs or Savings to State Agencies: None
2. Costs to Local Agencies or School Districts: None
3. Nondiscretionary Costs or Savings to Local Agencies: None
4. Federal Funding to State Agencies: None

LOCAL MANDATE STATEMENT

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated local costs in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

The CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

The CDSS has determined that the proposed regulations will affect small businesses.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

The CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

The CDSS adopts these regulations under the authority granted in Health and Safety Code Sections 1530 and 1562.3. Subject regulations implement and make specific Health and Safety Code Sections 1501, 1502.2, 1507, 1507.3, 1521, 1530, 1531, and 1562.3,, and Probate Code Sections 1800, 4605, and 4753.

CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person: Anthony J. Velasquez (916) 657-2586
Backup: Steve Smalley (916) 657-2586

CDSS REPRESENTATIVE REGARDING SUBSTANCE OF THE PROPOSED REGULATION

Program Contact: Barbara Baker (916) 322-3178
Backup: Joan Regeleski (916) 324-3058

AGENDA ITEMS FOR THIS PUBLIC HEARING – January 15, 2003

ITEM # 1	ORD #0702-17 for the Elderly	Care of Persons with Dementia in Residential Care Facilities
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ITEM # 2	ORD #0802-20	Adult Residential Facility Hospice Package
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